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Date: 10/16/2017 12:03:32 PM

Subject: Conversation with Nina Bell re: Deschutes TMDL

ATTORNEY – CLIENT PRIVILEGE

HI,

I had a phone call with Helen Bresler, Ecology, and Nina Bell on Friday to discuss the WA Deschutes TMDL and the NWEA NOI. Here is a summary of what I heard from Nina:

She has numerous substantive issues with the TMDL and she made those clear in the meeting she had with EPA and Ecology and did not feel the need to reiterate them here (that meeting occurred in August, 2016, FOIA exemption (b)(5)

[REDACTED] . EPA has not acted on the TMDL after extensive time and she wants to see operation of the CWA. Not acting is not good for the law and not good for the environment.

She is very concerned with Budd Inlet being excluded from the TMDL. She has a larger Puget Sound perspective and is concerned about this TMDL without the Puget Sound piece of it. EPA delaying action is not helping.

The September letter from Ecology re-focusing their request for EPA to review a subset of the impairments in the Deschutes did not alleviate any of her concerns. Her big concern is the nitrogen problem and its impacts on Puget Sound.

She has no interest in holding-off on pursuing litigation on this TMDL. She feels EPA does not have its act together, that EPA is not settling lawsuits so conversation is not going to help, and that this is a mandatory duty suit.

END